

DRAFT
Town of Fitzwilliam
Planning Board Meeting
September 20, 2016

Members Present: Terry Silverman, Robin Blais, Paul Haynes, Tom Parker, Suzanne Gray, Matt Buonomano, and Nancy Carney, Selectman's Representative.

Call to Order: 7:05 PM

7:00 PM Preliminary consultation. **Carl Hagstrom** to discuss development potential of a .5 acre lot of record owned by Andrea Heikkinen, located on East Lake Road, Map 27, Lot 23, Residential District.

Mr. Hagstrom presented the case. The 0.5 acre lot is an existing lot of record and the Heikkinens would like to build a two bedroom house on the property. Mr. Hagstrom said it meets all the state and local requirements. Silverman asked where the well will go. Mr. Hagstrom said it will go in the left front corner and if it can't meet the town's 100 foot setback from a public way, they will seek a waiver from the State, shoes setback is 75 feet.

Blais said it looked like a good plan, and the Board agreed.

Minutes. The Board reviewed minutes of the September 6, 2016 meeting. The Board received the minutes electronically at about 4:45 this afternoon, with little time to review. They reviewed hard copy and suggested several amendments. Mrs. Ford asked about the minutes, wondering which version was correct. She was upset that the initial draft wasn't the same as the draft distributed this evening. (The Land Use Assistant was on vacation from 09/07/16 to 09/20/16. She left her hand-written minutes on her desk so they would be available within the five day requirement, in case someone asked for the minutes prior to her return. The Town Administrator transcribed the Ford/Vaal public hearing notes at Mrs. Ford's request, and also made a copy of the complete hand written notes for Mrs. Ford. The Land Use Assistant transcribed the minutes this afternoon upon her return and distributed the draft to the Planning Board prior to the meeting's start.)

The Board had several amendments to the 09/06/16 minutes, which it then approved as amended.

7:15 PM Continued Hearing – Bruce Vaal and Janice Ford application for a boundary line adjustment between properties Map 28, Lot 36 and Map 29, Lot 23-2, Residential District.

At 7:15 PM Chairman Silverman called the public hearing to order. Mr. Ford asked Mr. Silverman to recuse himself from the proceedings. Mr. Silverman said he didn't see a reason to recuse himself. Mr. Vaal and Mrs. Ford had both submitted letters to the Selectmen requesting that Mr. Silverman recuse himself or be removed from the Board, based on "bias toward the application," "making arbitrary comments not supported by the facts," and "the proximity of his residence to her property." [Note, Silverman has a pottery that is near Mrs. Ford's property, not a residence.] Mr. Vaal's letter states he believes that Mr. Silverman is biased based on Mr. Vaal's involvement in the Boundary Line Adjustment. He emphasized that the case is about a boundary line adjustment not about a driveway permit or safety issues. Mr. Vaal asked that Mr. Silverman "step down with regard to my affairs."

Silverman noted he had not talked about his property and his property is not affected by the proposed BLA, but rather had expressed concern about road safety and invasive species management. Silverman proposed that the hearing be continued so legal representation can be secured by the Select Board. He said he felt he needed legal representation.

DRAFT
Town of Fitzwilliam
Planning Board Meeting
September 20, 2016

Silverman asked Mr. Vaal if he had heard anything from him or the Planning Board since Mr. Vaal began working the quarry more than a year ago. Mr. Vaal said the state has made changes in the law based on input from the town. Mr. Silverman urged him to ‘read the record.’ He reminded Mr. Vaal that at the first public hearing on 09/06/16 that he, Mr. Silverman, expressed his opinion that the Vaal Quarry was working fine on Collins Pond Road.

Mrs. Ford asked if the public hearing had been called to order tonight. Gray said it had been and the Board was reviewing the requested recusal, reading RSA 673:14. Mr. Ford said Mr. Silverman had made a statement at the September 6, 2016 meeting that he did not support the proposed BLA. Mrs. Ford said the chairman is not judge and jury and that his statement about how he would vote was prejudicial.

Gray said she did not see where “Mr. Silverman had a direct pecuniary interest in the outcome which differs from the interest of other citizens.” The Land Use Assistant quoted from an NHMA article that “the person with the potential conflict or bias must make his or her own decision about whether or not to step down. No one, except a court, has the legal ability to force a recusal.”

Silverman asked Suzanne Gray to continue and chair the meeting. Gray asked the Board if they wanted to continue the hearing tonight. Parker said he wanted to continue and wrap it up tonight. Blais asked Silverman what his need was to request a continuance. He responded that he did not need a continuance. Buonomano read the definition of a lot line adjustment in the subdivision regulations. Parker said that what has been presented in the application appears to meet the criteria. Parker noted that the Town issues driveway permits for town roads, not state roads.

Paul Grasewicz stated that the Ford lot will be 1.66 acres and have 170 feet of frontage. He said the lot conforms to zoning in the residential district. He said the proposed residential driveway, the location of which was approved by the State, is marked with a pink flag.

Gray reported that she had observed traffic in the area from 1-2 PM on Monday (the 19th) and she saw logging trucks, propane trucks and various tractor trailer trucks moving along Route 119. She said the fastest moving traffic was from East Lake and Creamery Roads, which exceeded the posted 35 mph. She said she saw one truck that was moving very fast down the hill and it had to brake hard to make the right turn along 119W.

Silverman proposed several conditions to the application, including 1) removing the patch of invasive Japanese Knotweed on the property; 2) a driveway plan to insure there will be no blasting during construction of the proposed driveway; 3) an assessment of the Children’s Pond and delineation of associated wetlands; 4) Blais noted she is on the Town wetlands committee, which is in the process of a Prime Wetlands Study, but that study will not impact this application. Gray clarified that the delineation of wetlands will focus on the proposed driveway area of impact.

Mr. Vaal asked why a delineation was requested since the State does not require a state permit to construct it. He added that the driveway will be “nowhere near wetlands.” Silverman clarified that Fitzwilliam has a 75 foot setback from wetlands.

DRAFT
Town of Fitzwilliam
Planning Board Meeting
September 20, 2016

Blais asked if there could be a note on the plan to indicating that there will be no blasting on the property during the construction of the driveway. Mr. Vaal said blasting will not be necessary because the topography does not indicate its necessity. There are no steep slopes. He added that he has no problem with asking Mr. Grasewicz to “shoot” the topography for the 1st fifty feet of the proposed driveway.

Blais asked if Mr. Vaal had a problem with asking NHDOT to remove the invasive Japanese Knotweed. He said he had talked with the State and they want him to do it. He added that he is qualified to do that removal. Mrs. Ford said the state driveway permit addresses that issue. Silverman asked that the methodology for removal be submitted to the Board.

Mr. Vaal reported that Mrs. Ford had inquired about accidents on Depot Hill. The local police said that there were few accidents, and they happened primarily in the winter when the road is covered in snow. Mr. Vaal estimated that he would run 25 or fewer trucks in a month. He said that running 2-3 trucks at 3000 pounds each would damage town roads, adding that there are a lot of commercial vehicles using this state road.

Mr. Vaal asked that his letter be made part of the records of this meeting. He said playing the safety card is hard in this situation; that it may be a “pain” but it is not a safety issue, just an inconvenience. He noted that Mr. Silverman had not mentioned the need for the quarry trucks to cross two lanes of traffic to continue on Route 119 from Collins Pond Road.

Blais called the question. Blais moved, Parker seconded and the Board approved the application as presented. Silverman and Carney abstained.

7:30 PM Preliminary consultation. Sean McGarry to discuss construction of a garage on property located on Route 12 in which to store trucks and equipment for his water drilling business.

Mr. McGarry said he wanted to build a garage to house his well drilling trucks and related equipment on his property on NH Route 12 N., Map 18, Lot 9, Light Industrial District. The proposed garage will be about 84 feet off Route 12 and about 300 feet from other boundaries. Silverman noted that a warehouse in the Light Industrial District is an allowed use according to Section 127-12A. Mr. McGarry said there will be water, heat and electricity in the garage/warehouse and some exterior lighting but there will be no residential use of the structure. He will not have customers on site. He may have distributor signage and will see the Selectmen for a sign permit.

The Board agreed there is no need for a site plan review.

Buonomano asked that the Board discuss the fee schedule at a later date, and Parker suggested a work session to review ordinances that may require amending in 2017, particularly the lot size, front setbacks, wetlands setback, and use of a residential trailer on property in situations other than due to destruction of a residence.

The meeting was adjourned at 8:30 PM.